

REMARKS

Reconsideration of the application in view of the above amendment and the following remarks is respectfully requested.

Claims 1-17 and 21-24 are pending. Claims 7, 10 and 14 are being amended. No new matter has been introduced by way of these amendments.

Applicant appreciates the Examiner's indication that claims 1-9 are allowable.

Applicant acknowledges that a wrong priority document (Paper No. 100 50 933.9) has been associated with the present application. Applicant hereby resubmits the certified copy of the Italian priority document filed on September 18, 2002 -- Italian Patent Application No. MI2002A001985.

The Examiner has objected to claim 14 because of the informalities. Applicant has amended claim 14 according to the Examiner's suggestion. Withdrawal of this objection is respectfully requested.

Claims 10-12 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,342,448 by Lin (hereafter referred as Lin). Applicant respectfully traverses for the reasons set forth below.

Lin does not disclose the invention recited in claim 10. Claim 10 as amended recites that a hydrophobic layer (such as BARC) is deposited directly on a semiconductor layer. The hydrophobic layer is selectively etched to expose the semiconductor layer and the semiconductor layer is etched in correspondence with the exposed portion. The Examiner points to layer 52 in Lin as being the semiconductor layer under the BARC layer 54, but Lin states that the layer 52 is a dielectric layer such as FSG (col. 7, lines 19-23), which is not a semiconductor layer. The only semiconductor layer in Figure 3A of Lin is the substrate 40, which is never exposed or etched by Lin. Accordingly, Lin does not anticipate claim 10 under 102(b). Similarly, Lin does not anticipate claims 11-12 and 15-16 because they further limit claim 10.

The Examiner further rejects claim 13 under 35 U.S.C. 103(a) as being unpatentable over Lin in view of U.S. Publication No. 2004/0041272 to Signorini (hereafter

referred as Signorini). Applicant respectfully submits that claim 13 is patentable over Lin and Signorini because Signorini is not prior art. Signorini is based on an application filed on August 29, 2002. The present application claims priority from Italian Application No. MI2002A001985 filed on September 18, 2002. Enclosed is an accurate English translation of that Italian priority application and the certified copy of the Italian priority application. Accordingly, the claim of priority based on the Italian priority application has been perfected.

In addition, enclosed is a Rule 131 Declaration, signed by the inventor, stating that the invention was conceived prior to August 29, 2002 and that diligent steps were taken to reduce the invention to practice between August 29, 2002 and September 18, 2002 when the Italian priority application was filed. Included with the Declaration are exhibits that support the statements in the Declaration.

In view of the above comments and the enclosed Rule 131 Declaration, Signorini is not prior art and claim 13 is therefore not unpatentable over Lin and Signorini.

The Examiner also rejects claims 21-22 and 24 under 35 U.S.C. 103(a) as being unpatentable over Signorini. For the same reason as set forth above, claims 21-22 and 24 are not unpatentable over Signorini because Signorini is not prior art.

Applicant appreciates the Examiner's indication that claims 14 and 17 are directed to allowable subject matter. These claims are not being placed in independent form because, as noted above, that rejected independent claim 10 is in condition for allowance.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Application No. 10/666,918
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All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC



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Enclosures:

Postcard
Rule 131 Declaration w/Exhibits A & B

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